

## **REMARKS**

Claims 1 and 2 are pending, with claim 1 being the only independent claim. Claim 1 has been amended. Claims 1-2 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,070,337 (Wallrafen) in view of U.S. Patent No. 6,642,823 (Passow).

### **Rejection of claims 1 and 2 under 35 U.S.C. §103(a)**

The Office Action states that the combination of Wallrafen and Passow teaches all of Applicant's recited elements.

Independent claim 1 has been amended to recite a magnetically passive position sensor with a movable magnet, with a multiplicity of contact spring elements arranged in the range of movement of the magnet "wherein an individual contact of the resistance device is assigned at least two tongues of the contact spring elements, each of the at least two tongues being independently moveable toward the individual contact", which Wallrafen and Passow, whether taken alone or in combination, fail to teach or suggest. Support for the claim amendment can be found in Fig. 2 and paragraphs [0006] and [0011] of Applicant's published specification (US 2007/0152658).

According to Applicant's recited invention, each of the contact spring elements 5 have two tongues 10, 11 that lie opposite an individual contact 7. In the event that one of the tongues 10 or 11 is prevented from touching the contact 7 by dirt or soiling 12, the contact 7 is contacted by the other one of the tongues 10, 11 (see paragraph [0011] of Applicant's specification). Thus, the tongues 10 and 11 each move independently and contact between the spring element 5 and the contact 7 can be established even if one of the tongues 10 or 11 is, in some way, prevented from establishing contact with the contact 7. This feature is further described in paragraph [0006] of Applicant's specification, where each of the tongues is an individual contact spring.

Wallrafen discloses a passive magnetic position sensor that includes a substrate with a resistance network arranged on the substrate, and a contact structure, which is associated with the resistance network, and which can be deflected under the action of a magnet device. An electric connection, which is dependent on the position of the magnet device of Wallrafen, is produced between resistance network and contact structure. The contact structure of Wallrafen is a contact-spring structure, and the junction points of the resistance network are connected to contact surfaces also applied on the substrate. The contact-spring structure of Wallrafen is arranged at a constant distance from the contact surfaces. The contact surfaces of Wallrafen contact the contact-spring structure under the action of the magnet device. A stepped output signal is tapped off from the contact structure of Wallrafen as a function of the position of the magnet device (see Abstract of Wallrafen).

The Examiner concedes that Wallrafen fails to teach or suggest, “wherein an individual contact of the resistance device is assigned at least two tongues of the contact spring elements”, as recited in Applicants’ claim 1.

The Examiner cites col. 5, lines 1-5 of Passow as teaching an individual contact of the resistance device is assigned at least two tongues of the contact spring elements. However, Passow fails to teach or suggest “each of the at least two tongues being independently moveable toward the individual contact”, as now recited in independent claim 1.

Passow discloses a contact block assembly that includes a pusher having a body portion, a window formed in the body portion, a movable contact positioned within the window, a recess formed in the body portion, a first spring positioned within the recess and abutting the movable contact, and a second spring positioned outside the pusher and abutting the movable contact (see Abstract of Passow).

The cited passages of Passow teach that the movable contacts 106 and 107 have split or bifurcated contact fingers to increase the probability that they will make contact with the stationary contacts even in the presence of surface oxides and/or foreign particles on the contact surfaces. However, Passow fails to teach or suggest that the contact fingers are independently movable.

Although the contacts 106 and 107, each as a whole, are moveable, the individual fingers on the contacts 106 and 107 are not each independently moveable toward a contact. As shown in, at least, Figs. 1, 2, and 4 of Passow, the contacts 106 and 107 have no moveable parts. The fingers 250 and 260 on one end of the contact 107 and the fingers 274 and 286 on the other end of contact 107 are integrally part of the body 242. In other words, fingers 250 and 260 do not move, and are not capable of moving, independently of each other toward a contact. The same is true for the fingers 274 and 286, and for the fingers on contact 106.

Therefore, Wallrafen and Passow, whether taken alone or in combination, fail to teach or suggest, “wherein an individual contact of the resistance device is assigned at least two tongues of the contact spring elements, each of the at least two tongues being independently moveable toward the individual contact”, as now recited in Applicant’s independent claim 1.

In view of the foregoing, Applicants submit that Wallrafen and Passow fail to teach or suggest the subject matter recited in independent claim 1. Accordingly, claim 1 is patentable over Wallrafen and Passow under 35 U.S.C. §103(a).

Claim 2, which depends from independent claim 1, incorporates all of the limitations of independent claim 1 and is, therefore, deemed to be patentably distinct over Wallrafen and Passow for at least those reasons discussed above with respect to independent claim 1.

### Conclusion

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Alfred W. Froebrich/  
Alfred W. Froebrich  
Reg. No. 38,887  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

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